

Message Text

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ACTION L-03

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AEC-11 CG-00 FMC-04 EPA-04 CEQ-02 SCI-06 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-15 RSR-01 AF-10 ARA-16 EA-11 EUR-25

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SUBJ: LOS: SUBCOMMITTEE I WORKING GROUP MEETING-

JULY 17-MORNING SESSION

1. A. WORKING GROUP CONTINUED WITH CONSIDERATION OF POWERS AND FUNCTIONS OF ASSEMBLY BEGINNING WITH ARTICLE XXX (18), (MAINTENANCE OF INTERNATIONAL LAW AND ORDER). POLISH REP CLAIMED TEXT IS TOO VAGUE AND RECOMMENDED THAT IT EITHER BE DELETED OR AMENDED TO LIMIT ASSEMBLY POWERS TO DISCUSSION OF QUESTIONS RELATING TO OBSERVANCE AND IMPLEMENTATION OF PROVISIONS OF ARTICLES. WG AGREED TO THIS.

2. THERE WAS CONSIDERABLE DISCUSSION OVER SUSPENSION AND EXPULSION POWERS (ARTICLE XXX (10)). MOST DELS WANTED TO SEE ASSEMBLY POWER TO SUSPEND MEMBERS. US DEL SAID THAT IN US VIEW THERE SHOULD BE SOME PROVISION FOR DEPRIVING STATES OF RIGHTS OF MEMBERSHIP
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IN AUTHORITY, BUT THAT THIS PROVISION MUST BEAR RE-

LATIONSHIP TO REASONABLENESS AND EQUITY AND THAT DUE PROCESS OF LAW IS ESSENTIAL. HE NOTED THAT SEABEDS ORGANIZATION WHICH IS BEING PROPOSED WOULD BE NEW AND UNLIKE ANY EXISTING ORGANIZATION BECAUSE IT WILL INVOLVE MANAGEMENT OF IMPORTANT RESOURCES. THEREFORE SUSPENSION OF RIGHTS OF MEMBERSHIP WOULD BECOME VERY IMPORTANT SINCE STATES MIGHT BE DEPRIVED OF RIGHT TO RESOURCES AND NOT JUST RIGHT TO DEBATE. HE NOTED THAT US DRAFT TREATY CONTAINED PROVISIONS FOR SUSPENSION WHICH INVOLVED JUDGMENT BY TRIBUNAL FOLLOWED BY COUNCIL ACTION AND ASKED THAT US INTENTION TO DISCUSS THIS PROCEDURE UNDER TRIBUNAL SECTION BE REFLECTED IN FOOTNOTE.

3. DISPUTE SETTLEMENT (ARTICLE XXVIII (11)). CHIEF ISSUE WAS WHETHER ASSEMBLY SHOULD HAVE ANY FUNCTION IN THIS REGARD. JAPAN WITH SUPPORT OF USSR AND FRANCE OPPOSED ASSEMBLY DISPUTE SETTLEMENT ROLE. ALGERIA ASKED THAT POSSIBILITY OF ASSEMBLY ROLE BE LEFT OPEN.

4. SAFEGUARDING MARINE ENVIRONMENT. US REP SAID HIS DEL BELIEVES ASSEMBLY CAN MAKE RECOMMENDATIONS ON ANY ISSUE BUT DOES NOT BELIEVE MARINE ENVIRONMENT CAN BE PROTECTED BY GIVING POWER TO ASSEMBLY TO ADOPT PRINCIPLES. HE PROPOSED DELETION OF PROVISION GIVING POWER TO ASSEMBLY AND TRANSFER OF RULE-MAKING FUNCTION TO COUNCIL. HE CITED ARTICLE 68 (D), (E) AND (I) OF U.S. DRAFT TREATY AS LISTING EXAMPLES OF RULES AND RECOMMENDED PRACTICES INTENDED TO PROTECT ENVIRONMENT. BRAZIL STATED THAT ASSEMBLY SHOULD HAVE POWER TO ADOPT GENERAL PRINCIPLES BUT LEAVE DAY-TO-DAY IMPLEMENTATION TO COUNCIL AND ENTERPRISE. PERU ASKED INCLUSION OF TEXT FROM 13-POWER LATIN AMERICAN SEABED DRAFT. US DEL SAID THAT THERE APPEARED TO BE WIDE MEASURE OF CONSENSUS IN WG. HE SUGGESTED WG NEEDED TO DISTINGUISH BETWEEN POWER TO RECOMMEND AND POWER TO ADOPT GENERAL PRINCIPLES. IF WG COULD AGREE TO GIVE ASSEMBLY BROAD RECOMMENDATORY POWER SUCH AS THAT LISTED IN ART 35 (H) OF US DRAFT TREATY, THEN THERE WOULD BE NO NEED TO

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DISCUSS SPECIFIC TOPICS TO WHICH POWER APPLIES. MOREOVER WG SHOULD AGREE THAT GENERAL PRINCIPLES WERE CONTAINED IN REGIME SECTION OF TREATY SUCH AS ART. 13 THAT CONTAINS GENERAL PRINCIPLE FOR PROTECTION OF MARINE ENVIRONMENT. IMPLEMENTATION OF PRINCIPLES COULD BE ACCOMPLISHED THROUGH DETAILED RULES AND REGULATIONS PREPARED THROUGH COUNCIL AND APPROVED BY CONTRACTING STATES. HE STRESSED THAT THERE

APPEARED TO BE TWO CAMPS IN WG: THAT WHICH SUPPORTS ALL POWER IN ASSEMBLY AND THAT WHICH WOULD GIVE ALL POWER TO COUNCIL. HE STRESSED U.S. NOT ASSOCIATED WITH LATTER GROUP AND, IN FACT, MIGHT BE CONSIDERED CLOSER TO THOSE WHO WISH TO GIVE ASSEMBLY POWER SINCE US PROPOSALS FOR RULEMAKING ENSURE THAT ALL CONTRACTING STATES HAVE OPPORTUNITY TO REVIEW RULES AND REGULATIONS. US CONSIDERS IT SIMPLY MORE EFFICIENT TO GO DIRECTLY TO PARTIES THAN TO GO THROUGH ASSEMBLY.

5. USSR DEL COMPLAINED THAT PROVISIONS DEALING WITH ADJUSTMENTS OF SITUATIONS WAS UNCLEAR AND UNNECESSARY IF THERE WOULD BE A SEPARATE ARTICLE ON DISPUTE SETTLEMENT.

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